

CHARTER COMMISSION MEETING MINUTES

MONDAY, FEBRUARY 7, 2011

705 W. University Avenue, Council Auditorium

Commission members in attendance: Odon Bacque, Dale Bourgeois, Karen Carson, Bruce M Conque, George A. Lewis, Greg Manual, D. Keith Miller, Stephen J. Oats, Aaron Walker

Absent: None

Charter staff members in attendance: Mike Hebert (City-Parish Attorney), Pat Ottinger (Assistant City-Parish Attorney), Tammy Pratt (Assistant City-Parish Attorney) and Veronica L. Williams (Charter Commission Clerk)

Council Members/Staff in attendance: Council Chair Jay Castille, Council Member Keith Patin, Council Clerk Norma Dugas

Administration staff in attendance: Director of Lafayette Utilities System Terry Huval

(5:30 p.m.) AGENDA ITEM NO. 1: Call to order
Chair George Lewis called the meeting to order.

AGENDA ITEM NO. 2: Invocation and Pledge of Allegiance
Commissioner Dale Bourgeois was called upon to deliver the invocation and lead the Pledge of Allegiance.

AGENDA ITEM NO. 3: Comments/Announcements from Commission Members
Lewis advised that the ordinance to extend the term of the Charter Commission would be on the February 15 Council meeting agenda for introduction and asked that Commission members attend the meeting to comment on the ordinance.

AGENDA ITEM NO. 4: Discussion of current charter and Lafayette Public Utilities Authority
Lewis referred to Section 4-07 of the existing charter, stating that the Lafayette Public Utilities Authority (LPUA) was made up of Council Members whose district consisted of 60% of City residents. As a result, some representation that had a vote on the LUS board did not reside in the City of Lafayette. Further, Lewis reminded that the Bond Attorney ruled that Lafayette Utilities System (LUS) matters would be considered by the entire City-Parish Council. The bonding attorney, Jerry Osborne, was invited to attend tonight's meeting, however, was unable to attend due to previous commitments.

Huval provided feedback on various discussions about a utility board, adding that the issue was who governed the utility system. He believed the City Council should run LUS, which could be accomplished under the proposal for separate charters. On the existing charter, should it continue to be structured as identified in the charter, citizens who own the system could be disenfranchised. All city residents should be represented on the LPUA or any LUS board. The Hefner model could also accomplish the proper structure. Citizens of LUS would benefit if the City Council represented the interest of the citizen owned utility system. Bourgeois stated that the addition of an external board would add another level of bureaucracy to the process.

Bacque noted that the problem with the utility board would not be resolved if the separation of governments failed and the existing charter remained as is. Huval suggested that more thought be given to the way the LPUA was structured, so that changes could be made and all city residents could be represented on the board. In response to the Hefner Plan, concern was expressed regarding residents having a voice on LUS matters who were annexed into the city. Walker supported a separate board and added that a utility board should consist of professionals who understood the complexities of LUS. Huval stated that he looked to the governing structure to make the decisions they felt were best for the City, and reminded that he, along with consultants and engineers, made recommendations to the Council before they voted on LUS matters. Carson asked if LUS had been adequately advised up to this point and Huval responded affirmatively.

Manuel asked how much of the City's population increased because of annexation and Huval stated that population growth was due to both annexations and the movement of people settling inside the corporate limits. Mike Hebert clarified that the charter stated that the governing authority of LUS was the LPUA; however, further clarification was needed on this wording.

On a ballot suggestion, Conque presented verbiage that would allow for a "*for*" or "*against*" with reference to the separate charters; however, it did not provide for a ballot choice on the tweaked version of the current charter. Bacque suggested that the ballot include an option for a tweaked version of the current charter. Oats concurred that two (2) options could be placed on the ballot...Option 1 for separate governments (City and Parish) and Option 2 for the tweaked charter. Hebert reminded that this question was posed to the attorney general (AG) for his opinion. The Legal Department was waiting on a response at any time now. Carson stated that the Hefner Plan would be too complicated to implement in such a short time. Lewis indicated that he would work on a tweaked version of the existing charter that would include the Hefner model.

AGENDA ITEM NO. 5: General comments from the public on Consolidation

Rickey Brasseaux stated that all citizens were not shareholders of the City of Lafayette and did not recommend that the elected officials appoint a board. It was his opinion that a board be appointed by the LUS shareholders. He questioned why an AG opinion could not be sought with reference to shareholders and who actually owned the system.

Nancy Mounce reiterated that the more complicated the plan, the more difficult it would be for citizens to understand. On LUS, as a City Council member, she recalled that Huval made it a priority to educate the Council prior to a vote taking place on utility matters. The bond covenants identified who owned the system. When considering the structure of government, Mounce reminded the Commission should keep in mind how the in-lieu-of-tax (ILOT) would be impacted, as well as matters involving the Lafayette Public Power Authority (LPPA).

Dale Brasseaux questioned whether voting on LUS matters under the current LPUA process was legal and Conque responded that the Charter provided for the method on voting for utility matters. In closing, it was Brasseaux's opinion that LUS shareholders should vote on a utility board.

Conrad Comeaux suggested that the Secretary of State be consulted on how a ballot proposition should be structured and Ottinger stated that he had been in contact with the office; however, he would consult with two other staff members in that office.

Referring to the February 14th meeting, Lewis asked if the Commission wanted to request the attendance of the bond counsel, Jerry Osborne. It was the consensus of the Commission that counsel would not be needed at this time. Bacque stated that the Commission should identify items that needed to be decided and advised that he would be out of town for the last two meetings of the Commission.

AGENDA ITEM NO. 6: Next meeting date

The next meeting was scheduled for February 14.

AGENDA ITEM NO. 7: Adjourn

There being no further business, the meeting adjourned at 7:12 p.m.